

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHAD CONWAY,

Plaintiff,

vs.

**WEXFORD MEDICAL SOURCES INC.,
et al.,**

Defendants.

Case No. 24-364-RJD

ORDER

DALY, Magistrate Judge:¹

This matter comes before the Court on various motions filed by the parties. On September 24, 2024, Plaintiff filed his Motion for Court to Order Defendants to Comply with Initial Scheduling Order (Doc. 27). Therein, he advised the Court that Defendants had failed to produce Plaintiff's subpoenaed medical records in contravention to the Court's Initial Scheduling Order (Doc. 23). Plaintiff asked the Court to Order Defendants to comply with the Initial Scheduling Order and to further extend Plaintiff's deadline for filing a motion for leave to amend his Complaint until after Defendants' production of the subpoenaed medical records. On October 28, 2024, the Court ordered Defendants to respond to Plaintiff's motion by November 4, 2024, and further extended Plaintiff's deadline to file an amended complaint up to December 12, 2024. Defendants failed to comply with the Court's Order, and thereafter, Plaintiff filed motions for status on November 14, 2024, and again on January 2, 2025. (Docs. 30 & 31). In his latest motion for status, Plaintiff expressed his concerns that he might not have received certain filings

¹ This case has been assigned to the undersigned through the parties' consent to conduct all proceedings in this case, including trial and final entry of judgment pursuant to 28 U.S.C. Sec. 636(c) and Federal Rule of Civil Procedure 73. (Doc. 19).

in the case and asked for a copy of the docket activity. (Doc. 31). On January 31, 2025, Defendants filed their Motion for Leave to File Belated Response to Plaintiff's Motion for Court to Order, and Response to Plaintiff's Motion for Court to Order (Doc. 32). Therein, Defendants explained that in June 2024, Defendants sent subpoenas to the Illinois Department of Corrections and to Centralia Correctional Center for Plaintiff's records. On September 5, 2024, within the timeframe set in the Court's Initial Scheduling Order, Defendants served on Plaintiff their Disclosures, which, however, did not include Plaintiff's record from Centralia Correctional Center, which had not yet been received. Defendants further explained that due to oversight, counsel overlooked that Centralia Correctional Center had not responded to Defendants' subpoena, and that this Court had ordered Defendants to respond to Plaintiff's Motion for Court to Order. Thereafter, on January 31, 2025, Defendant served on Plaintiff their First Supplemental Disclosures, and attached Plaintiff's grievance records, Cumulative Counseling Summary, Trust Fund, Commissary, and medical records. Plaintiff has not filed a reply disputing receipt of the supplemental disclosures.

Because Defendants have now fully complied with the Court's Initial Scheduling Order, Plaintiff's Motion for Court to Order Defendants to Comply with Initial Scheduling Order (Doc. 27) is **DENIED as moot** and Defendants' Motion for Leave to File Belated Response to Plaintiff's Motion for Court to Order, and Response to Plaintiff's Motion for Court to Order (Doc. 32) is **GRANTED**. Plaintiff's Motions for Status (Docs. 30 & 31) are **GRANTED**. Plaintiff is allowed an additional 30 days, up to and including **May 9, 2025**, to file a motion for leave to amend his Complaint. The Court further notes that Plaintiff has not yet filed a response to the Defendants' Motion for Summary Judgment on the Issue of Exhaustion of Administrative Remedies (Doc. 24). Given the delays in the production of the initial disclosure and Plaintiff's concerns that he might have not received certain filings in this case, the Court will also allow

Plaintiff an additional 30 days, up to and including **May 9, 2025**, to respond to Defendants' Motion for Summary Judgment on the Issue of Exhaustion of Administrative Remedies (Doc. 24). The Clerk is **DIRECTED** to send Plaintiff a copy of the docket sheet along with a copy of this Order.

IT IS SO ORDERED.

DATED: April 8, 2025

s/ *Reona J. Daly*
Hon. Reona J. Daly
United States Magistrate Judge